
**Allan Hancock Joint Community College District
Board Policy
Chapter 5 – Student Services**

BP 5500 STANDARDS OF STUDENT CONDUCT

The Superintendent/President shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The Standards of Student Conduct and disciplinary procedures shall be made widely available to students through the college catalog and other means.

References: Education Code Sections 66300, 66301, and 72122;
WASC/ACCJC Accreditation Standards I.C.8 and 10

Adopted: 3/17/15
Revised: 7/10/18

Allan Hancock Joint Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5500 STANDARDS OF STUDENT CONDUCT

Definitions: The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale, or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the Superintendent/President or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Encouraging, attempting, assisting, and soliciting another to do any act, which would subject a student to expulsion, suspension or other discipline pursuant to this procedure and related policy.
6. Causing or attempting to cause damage to District property or to private property on campus.
7. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
8. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
9. Committing sexual harassment as defined by law or by District policies and procedures.
10. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law, on or off College premises, of the person or property of any member of the College community or members of his/her family or the threat of any such physical abuse at any College authorized or governed activity.

11. Engaging in intimidating conduct, bullying, or hazing against another student, staff or faculty through words or actions, including direct physical or verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
12. Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
13. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel, or failure to identify oneself or furnishing false identification for just cause when requested to do so by College officials acting in the performance of their duties.
14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of District facilities.
16. Computer related crimes or unauthorized, abusive, or violation of the District's acceptable use policy or procedure including violations of software licensing agreements.
17. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
18. Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the college, including, but not limited to, any of the following: (1) Intentional touching of another person's intimate parts without that person's affirmative consent or other intentional sexual contact with another person without that person's affirmative consent; (2) Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's affirmative consent; and (3) Rape, which includes penetration, no matter how slight, without the person's affirmative consent of either of the following: (A) the vagina or anus of a person by any body part of another person or by an object; (B) the mouth of a person by a sex organ of another person.
19. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the college, including, but not limited to, any of the following: (1) Prostituting another person; (2) Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without the person's affirmative consent; (3) Distributing images, including video or photograph or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not affirmatively consent to the disclosure and objected to the disclosure; and (4) Viewing, another person's sexual activity, intimate body parts, or nakedness in a place where that person would have reasonable expectation of privacy, without that person's affirmative consent, and for the purpose of arousing or satisfying sexual desire.
20. Committing sexual harassment as defined by law or by District policies and procedures, which may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, that

is sufficiently severe, persistent or pervasive to limit the ability of a member of the college community (student, faculty, staff) to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

21. Stalking or repeatedly following or harassing another person through conduct composed of a series of acts that seriously alarm, annoy, torment, or terrorize in a manner that threatens to place that person in reasonable fear for their safety or the safety of their immediate family
22. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises,
23. Violations of Board policies, administrative procedures, or campus regulations including, but not limited to, campus regulations concerning student organizations, use of District facilities, gambling and hazing.
24. The use of any electronic listening or recording device in a classroom or learning environment without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids or academic adjustments to disabled students.
25. Presentation of academic work through fraudulent or deceptive means in order to obtain credit for this work. Academic dishonesty includes but is not limited to:

Cheating - failure to observe the expressed procedures of an academic exercise, including but not limited to:

- Unauthorized use of commercial "research" services which are not the student's own work.
- Providing information to others without instructor's permission or allowing the opportunity for others to obtain information that provides the recipient with an advantage on an exam or assignment.
- Unauthorized communication with fellow students during a quiz or exam.
- Copying material from another student's quiz or exam.
- Permitting another student to copy from a quiz or exam.
- Permitting a person to take a quiz, exam, or similar evaluation in lieu of the enrolled student.
- Using unauthorized materials, information, or study aids (e.g., textbook, notes, data, images, formula list, dictionary, calculator, etc.) in any academic exercise or exam.
- Unauthorized collaboration in providing or requesting assistance, such as sharing information on an academic exercise or exam.
- Unauthorized use of another person's data in completing a computer or lab exercise.
- Using computer and word processing to gain access to alter and/or use unauthorized information.
- Altering a graded exam or assignment and requesting that it be re-graded - submission of altered work after grading, including but not limited to changing answers after an exam or assignment has been returned or submitting another's exam as one's own to gain credit.

Fabrication - falsification or invention of any information in an academic exercise, including but not limited to:

- Fabricating or altering data to support research.
- Presenting results from research that was not performed--submitting material for lab assignments, class projects or other assignments, which is wholly or partially falsified, invented or otherwise does not represent work accomplished or undertaken by the student.
- Crediting source material that was not directly used for research.
- Falsification, alteration or misrepresentation of official or unofficial records or documents including but not limited to academic transcripts, academic documentation, letters of recommendation, and admissions applications or related documents.

Fraud, Misrepresentation, Lying - intentionally making an untrue statement or deceiving including but not limited to:

- Checking into a District class, lab, center or other District resource with the intent to deceive the instructor, staff, or the college.
- Checking in or checking out of a District class, lab, center or other District resource for another student.
- Using another student's District identification card for use in a class, lab, center or other District resource.

Plagiarism - the presentation of another's words, images or ideas as if they were the student's own, including but not limited to:

- Stealing the written, oral, artistic, or original works or efforts of others and presenting them as one's own.
- The submission of material, whether in part or whole, authored by another person or source (e.g., the internet, book, journal, etc.), whether that material is paraphrased, translated or copied in verbatim or near-verbatim form without properly acknowledging the source (it is the student's responsibility to cite all sources).
- The submission of material rewritten, in part or whole, by another person that results in the loss of the student's original voice or ideas (i.e. while an editor or tutor may advise a student, the final submitted materials must be the work of the student, not that of the editor or tutor).
- Translating all or any part of material from another language and presenting it as if it were the student's own original work.
- Unauthorized transfer and use of another person's computer file as the student's own.
- Unauthorized use of another person's data in completing a computer exercise.

Facilitating Academic Dishonesty - assisting another to commit an act of academic dishonesty, including but not limited to:

- Taking a quiz, exam, or similar evaluation in place of another person.
- Allowing one student to copy from another.
- Attending a course posing as another student who is officially registered for that course.
- Providing material or other information (e.g., a solution to homework, a project or other assignments, a copy of an exam, exam key or any test information) to another student with knowledge that such assistance could be used to violate any other sections of this procedure.
- Distribution or use of notes or recordings based on college classes without the express written permission of the instructor for purposes other than individual or group study; this includes, but is not limited to, providing materials for distribution by services publishing class notes (This restriction on unauthorized use applies to all information distributed or in any way displayed for use in relationship to the class, whether obtained in class, via email, on the Internet or via any other media).

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

References: Education Code Sections 66300, 66301, 72122, 76030, and 78907
WASC/ACCJC Accreditation Standards I.C. 8 and 10

Approved: 2/17/15

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Allan Hancock Joint Community College District
Administrative Procedure
Chapter five – Student Services

AP 5520 STUDENT DISCIPLINE PROCEDURES

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These administrative procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

I. DEFINITIONS AND GUIDELINES GOVERNING THESE PROCEDURES

The following guidelines govern the procedures described in this Administrative Procedure.

A. Definitions

1. District means the Allan Hancock College Community College District.
2. Student means any person currently enrolled in any program offered by the District.
3. Faculty Member means any academic or service faculty of the District.
4. Property means (i) any District-owned or controlled property, including off-campus leased facilities; and (ii) other facilities owned or controlled by entities other than the District where District-sponsored activities take place, including but not limited to performances, concerts, and sporting events.
5. Chief Student Services Officer means the Vice President, Student Services or other Superintendent/ President designee.
6. When determining response time, day means any day, excluding Saturdays, Sundays, and holidays, during which the District is open.
7. Standards of Student Conduct mean the rules listed in Board Policy and Administrative Procedure 5500 Standards of Student Conduct.
8. Sanctions means any official disciplinary action taken by the college against a student who has been found to be in violation of the Standards of Student Conduct.

B. Guidelines

1. Proceeding in Absentia

In any proceeding or hearing at which the student has a right to attend and participate, if the student fails to attend or participate and appropriate notice has been given per section I.B.5, the proceeding or hearing may take place in the student's absence and the student will be bound by the result of the proceeding or hearing as if the student had attended and participated.

2. Continuances

The District or student(s) directly involved in the violation of the Standards of Student Conduct may seek a continuance of any hearing date or deadline based upon a showing of good cause. Requests for a continuance shall be decided by the Chief Student Services Officer or designee, unless the continuance concerns an expulsion hearing by the Board of Trustees, in which case the continuance request shall be decided by the President of the Board.

3. Repeat Offenders

Subsequent violations of the Standards of Student Conduct by a student who has been previously disciplined will ordinarily be subject to more severe disciplinary actions than might be imposed for a first offense.

4. Notices to a Student's Parent

Where a student who is the subject of a disciplinary proceeding is a minor, notices and disciplinary decisions served upon the student shall also be sent to the parents or guardian of the student in the same manner and with the same effect as set forth in paragraph e, below.

5. Notification Process

Whenever a notice or disciplinary decision is required to be served upon a student, it shall be sent via email to the student's District-assigned email. Additionally, it may be sent via certified mail, postage paid and addressed to the last mailing address of the student on file with the District. Notice served by any of these methods shall be presumed to have been received by the student. Notice may also be served by personal service.

II. JURISDICTION

The District may discipline students who have violated the Standards of Student Conduct. Students may be disciplined (including removal, suspension, or expulsion) where, based upon the facts and circumstances of the offense, the District determines that the violation is related to college activity or college attendance on or off-campus.

III. COMMENCING THE DISCIPLINARY PROCESS

Any District employee or student may file a written complaint with the Chief Student Services officer or designee against any student for violating the Standards of Student Conduct. Before any formal disciplinary proceeding is commenced, the complaining party and student alleged to have violated the Standards of Student Conduct are encouraged to try to informally resolve the complaint. The Chief Student Services Officer or designee is available to assist the parties in mediating this informal process.

IV. DISCIPLINARY ACTIONS

If a student violates the Standards of Student Conduct, the District may initiate the disciplinary actions listed below. These disciplinary actions are listed in order of severity but are not sequential steps, which must be followed in the discipline process. The District will determine which disciplinary action is appropriate in each case based upon the severity of the student misconduct and the prior discipline record of the student.

A. Warning

A warning is a verbal or written notice to the student that continuing or repeating the student's misconduct may be cause for more severe disciplinary action. A faculty member or administrator shall issue such a warning. A student has no right to appeal or to a due process hearing (Education Code Section 76031).

B. Removal by Instructor

A faculty member may remove a student from class when the student's conduct interferes with the instructional process on the day the interference occurs and, at the option of the faculty member, for the next class meeting. The faculty member shall immediately report the removal in writing to the Vice President of Student Services Office. Records of the removal shall be retained in the office of the Vice President, Student Services. A student who has been removed has no right to appeal or to a due process hearing (Education Code Section 76032). The student is responsible for any assignments or academic work missed as a result of the removal.

C. Official Reprimand

An official reprimand is a record that a student violated the Standards of Student Conduct. The reprimanded student shall be notified in writing that a further violation of the Standards of Student Conduct may result in additional disciplinary action against him/her. The Chief Student Services Officer or designee shall issue the official reprimand. Records of official reprimands shall be retained in the office of the Vice President Student Services Office and in the student's file. A student who has been issued an official reprimand has no right to appeal or to a due process hearing (Education Code Section 76031).

D. Restitution

Monetary restitution may be imposed whenever District property has been damaged or destroyed and/or whenever District funds have been fraudulently received or used for an unauthorized purpose. The Chief Student Services Officer or designee will place a hold on all student records until the monetary restitution is cleared.

E. Hold on Records

The Chief Student Services Officer or designee may place a hold on all student records. Such holds may be removed once the Preliminary Meeting is held (see Section V.B.).

F. Disciplinary Probation

Disciplinary probation may consist of removal from all college clubs and organizations and denial of privileges of participating in all District or student-sponsored activities including public performances. Disciplinary probation may be imposed for a period not to exceed one year and can be rendered by an administrator. Notification of disciplinary probation actions shall be immediately reported in writing to the Chief Student Services Officer or designee. A student placed on disciplinary probation may appeal to the Chief Student Services Officer or designee. Records of disciplinary probation actions shall be retained in the office of the Vice President Student Services and in the student's file. A student has no right to appeal or to a due process hearing (Education Code Section 76031).

G. Summary Suspension

Where an immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, the Chief Student Services Officer or designee may summarily suspend a student. A hearing shall be conducted within ten (10) days from the date the student is suspended utilizing the procedures set forth in Section V.B., Preliminary Meeting. At that hearing, if the District determines to reverse the summary suspension, the student will be allowed to make up any coursework missed during the summary suspension. If the District determines to uphold the summary suspension, the District may also decide to impose additional discipline. Records of the interim suspension shall be retained in the office of the Vice President Student Services Office in the student's file (Education Code Section 66017).

H. Disciplinary Suspension

Disciplinary suspension is a penalty for repeated, continued, or serious violations of the Standards of Student Conduct. A student may be suspended from one or more classes for a period of up to ten (10) days of instruction; from one or more classes for the remainder of the term; or from all classes and activities of the District for one or more terms. A suspended student may also be prohibited from occupying any portion of the campus and be denied participation in any or all college activities. Disciplinary suspensions shall be initiated by the Chief Student Services Officer or designee and are subject to the Due Process Hearing and Appeal Procedures set forth in Section V.B. Records of disciplinary suspensions shall be retained in the office of the Vice President Student Services Office in the student's file (Education Code Sections 66017, 76030, and 76031).

I. Expulsion

Expulsion is the permanent and unconditional removal of a student from the District. A student may be expelled only by the Board of Trustees upon recommendation of the Superintendent/President. The expulsion of a student is initiated by the Chief Student Services Officer and is determined according to the Due Process Hearing and Appeal Procedures set forth in Sections V and VI (Education Code Section 76030).

V. DUE PROCESS HEARING AND APPEAL PROCEDURES

A student may only be suspended (other than a summary suspension) or expelled if the District substantially complies with the following due process hearing and appeal procedures. Additionally, this due process hearing and appeal procedure is utilized for students who have been subject to summary suspension. The District will have substantially complied with these procedures unless the student alleged to have violated the Standards of Student Conduct can prove that any variance from these procedures resulted in him/her being suspended or expelled based upon unfair or mistaken findings of misconduct.

A. Initiating a Charge of Misconduct

The representative of the District or other person having knowledge of the violation of the Standards of Student Conduct shall submit a written account to the Chief Student Services Officer or designee detailing the alleged violation. The written account should, to the extent possible, include a specific description of the alleged misconduct, the dates and times when the alleged misconduct occurred, the names and contact information of any witnesses, and any documentary or other evidence relevant to the alleged violation. The Chief Student Services Officer or designee may withhold the names of any witnesses from the Statement of Charges if the Chief Student Services Officer or designees determines that disclosure of the identity of the witness would subject the witness to an unreasonable risk of psychological or physical harm.

B. Notifying the Student of the Misconduct Charge: Preliminary Meeting

A student charged with violations of the Standards of Student Conduct shall be notified that they are required to meet with the Chief Student Services Officer or designee to discuss such alleged violations and any disciplinary action that may or will result if such charges are found to be true. The notice to attend the preliminary Meeting may be verbal or written and it may be hand-delivered, emailed to the student's district-assigned email, or mailed to the student's address on file in the Admissions and Records Office.

At the preliminary meeting with the Chief Student Services Officer or designee, the student shall be given a copy of the Standards of Student Conduct and a written statement of the alleged violation(s). The student will be given a reasonable opportunity to answer each alleged violation(s) and to present evidence demonstrating that the student did not commit those violations. The student will be informed of any possible disciplinary action(s) that may or will be taken. The student will be provided notice of further meetings if the Chief Student Services Officer or designee deems such further meeting(s) necessary. The student will be provided written notice of their right to a hearing before the Student Disciplinary Committee on the matter before a suspension or expulsion is imposed.

C. Imposition of Discipline by the Chief Student Services Officer

If, after reviewing the situation with the student, the Chief Student Services Officer concludes that disciplinary action is appropriate the Chief Student Services Officer

or designee shall send a letter to the student, in the manner required by section I.B.5. of these procedures, imposing one or more of the following types of disciplinary action: Warning; Official Reprimand; Disciplinary Probation; Summary Suspension; Disciplinary Suspension; Restitution; or Hold on Records. The Chief Student Services Officer or designee may also recommend that a student be expelled but may not impose that discipline. The Chief Student Services Officer or designee may impose the foregoing discipline or may recommend expulsion even if the student does not participate in a meeting with the Chief Student Services Officer or designee per section I.B.1. of these procedures.

In a case where the Chief Student Services Officer or designee decides to impose any discipline other than (1) suspension or (2) a recommendation of expulsion, the decision of the Chief Student Services Officer or designee shall be final. In a case where the Chief Student Services Officer or designee decides to impose a suspension or to recommend expulsion, the student shall have the right to request a hearing before the Student Disciplinary Committee.

That request must be made in writing and sent to the Chief Student Services Officer or designee postmarked within ten (10) days of notice of the decision of the Chief Student Services Officer or designee, or hand-delivered by the student or designee and received and receipted by the Chief Student Services Officer or designee within ten (10) days from the date of notification to the student of the Chief Student Services Officer or designee's decision.

If a student does not request a hearing, the imposition of a suspension by the Chief Student Services Officer or designee shall be final. If the recommended discipline is that of expulsion, this recommendation shall be forwarded to the Superintendent/President without any intermediate review by the Student Disciplinary Committee pursuant to section VI.A. of these procedures.

D. Notice of and Right to Appear at a Disciplinary Hearing in Cases of Suspension or Expulsion

If the student has requested a hearing to challenge the imposition of a suspension or a recommendation of expulsion, the Chief Student Services Officer or designee shall prepare a detailed Statement of Charges specifying the (a) alleged misconduct, (b) evidence in support of the charges, and (c) proposed discipline the District intends to take against the student. The Chief Student Services Officer or designee may redact the names of any witnesses from the Statement of Charges if the Chief Student Services Officer or designees determines that disclosure of the identity of the witness would subject the witness to an unreasonable risk of psychological or physical harm.

In addition to the above statement of charges, the Chief Student Services Officer or designee shall serve the student with a Notice of Intended Discipline, which will include (a) a copy of this Administrative Procedure, (b) notice of the date, time and place of the disciplinary hearing, (c) composition of the Student Disciplinary

Committee, and (d) notice that the student may be accompanied at the hearing by legal counsel, if so desired. If the student is to be represented by legal counsel, he/she must so notify the Chief Student Services Officer or designee of that fact at least five (5) days prior to the date of the scheduled hearing. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved i.e. freedom of speech, academic freedom. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the District representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Statement of Charges and Notice of Intended Discipline are served upon the student if it is served by email or personal service, or within thirteen (13) days if it is served by mail. This deadline may be extended under extenuating circumstances as determined by the Chief Student Services Officer or designee on their own initiative and at their sole discretion. Absent extenuating circumstances, requests to reschedule submitted by the student must be submitted to the Chief Student Services Officer or designee with an explanation for their request at least five (5) days prior to the hearing.

If the student does not appear at the disciplinary hearing, no hearing need take place and (a) in cases where the Chief Student Services Officer or designee has imposed a suspension, the suspension shall be final; (b) in cases where the Chief Student Services Officer or designee has recommended expulsion, that recommendation shall be forwarded to the Superintendent/President without any intermediate review by the Student Disciplinary Committee pursuant to section VI.A. of these procedures.

E. Disciplinary Hearing

In cases where the student has requested and appears at the disciplinary hearing, the hearing shall be conducted in the following manner.

F. Composition of the Student Disciplinary Committee

At the beginning of each fall term, the Chief Student Services Officer or designee will ensure the Student Disciplinary Committee is appointed for the academic year. The Chief Student Services Officer or designee shall convene the Student Disciplinary Committee to hear the charges and recommend disciplinary action.

The Student Disciplinary Committee shall be comprised as follows:

1. Two full-time faculty (voting) appointed for one academic year by the president of the Academic Senate. If either or both of these faculty appointees are a direct party to a particular disciplinary case, the Academic Senate president will appoint a substitute for that situation only.

2. Chief Student Services Officer or designee, whichever did not render the original decision which is being appealed (non-voting).
3. Administrator (voting) appointed for one academic year by the Superintendent/President. If this administrator appointee is a direct party to a particular disciplinary case, the Superintendent/President will appoint a substitute for that situation only.
4. Two students (voting) appointed for one academic year by the president of the Associated Student Government (ASBG). If either or both of these student appointees are a direct party to a particular disciplinary case, the ASBG president will appoint a substitute for that situation only.

The administrator shall be the chairperson of the Student Disciplinary Committee except in cases relating to Academic Integrity, when a faculty member will chair.

The Chief Student Services Officer or designee will provide all members of the Student Disciplinary Committee with the Statement of Charges and Notice of Intended Discipline.

All members of the Student Disciplinary Committee who are selected to decide cases involving allegations of sexual assault, dating violence, domestic violence, and stalking, must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning; and the District's policies and procedures. The training will be coordinated by the Title IX Coordinator.

G. Challenges to the Composition of the Student Disciplinary Committee

The complaining party and the student alleged to have violated the Standards of Student Conduct may submit a written request to the Chief Student Services Officer or designee that a member of the Student Disciplinary Committee be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised in writing with the Chief Student Services Officer or designee within five (5) days of receipt of the Notice of Intended Discipline. All objections must be raised prior to the commencement of the hearing in alignment with the deadline noted. Failure to object prior to the hearing will forfeit one's ability to appeal the outcome based on perceived or actual bias.

H. Conduct of the Disciplinary Hearing

1. Persons who are direct parties to the case shall have the right to be present during the hearing proceedings. The student's parent or guardian may also attend the hearing if the student is a minor. Witnesses may be excluded until it is their turn to testify. All hearing proceedings will be tape-recorded. If they

- are conducted, unless the District and the student agree that a re-hearing is unnecessary and agree to a joint statement of factual findings.
2. The District and the student may each be represented by legal counsel. If the student is to be represented by legal counsel, he/she must so notify the Chief Student Services Officer or designee of that fact at least five (5) days prior to the date of the scheduled hearing. If the student is not represented by legal counsel, the student may be accompanied by another person at the hearing provided that person does not participate in any way except to offer counsel to the student.
 3. The District and the student shall have the right to call, examine, and cross-examine witnesses at the hearing. The chairperson of the Student Disciplinary Committee may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the members of the Student Disciplinary Committee. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

I. Decision of the Student Disciplinary Committee

The members of the Student Disciplinary Committee shall consider and reach a decision by a simple majority vote on each of the charges against the student. The Student Disciplinary Committee shall apply the preponderance of the evidence standard of proof in determining whether the student is found to be in violation of the Standards of Student Conduct.

J. General Evidentiary Rules

The decision shall not be based solely upon hearsay evidence, unless the chairperson of the Student Disciplinary Committee has allowed the testimony of all witnesses to be presented at the hearing in the form of sworn declarations as permitted in paragraph V.H.3. above.

K. Evidence of the Complaining Party's Prior Sexual History

In general, a complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the complainant and the student alleged to have violated the Standards of Student Conduct, and that student alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complaining party with other individuals is typically not relevant and will not be permitted.

L. Evidence of Student's Pattern of Conduct

Where there is evidence of pattern of conduct similar in nature by the student alleged to have violated the Standards of Student Conduct, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Student Disciplinary Committee's determination of responsibility and/or assigning of a disciplinary sanction. The determination of relevance will be based on an assessment by the Student Disciplinary Committee of whether the previous and/or subsequent incident was substantially similar to the conduct cited in the Statement of Charges and indicates a pattern of behavior and substantial conformity with that pattern by the student. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

M. Affirmative Consent in Sexual Assault Cases

In cases involving charges of sexual assault, where the defense of the student alleged to have violated the Standards of Student Conduct is that the complaining party consented to the sexual act, the following rules shall be applied by the Student Disciplinary Committee.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the student's responsibility to ensure that he/she has the affirmative consent of the complaining party to engage in the sexual activity. Lack of protest or resistance by the complaining party does not mean consent, nor does silence mean consent

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the student alleged to have violated the Standards of Student Conduct and the complaining party, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

1. It shall not be a valid excuse to alleged lack of affirmative consent that the student believed that the complaining party consented to the sexual activity under either of the following circumstances:
 - a. The student's belief in affirmative consent arose from the intoxication or recklessness of the complaining party.
 - b. The student did not take reasonable steps, in the circumstances known to the student at the time, to ascertain whether the complaining party affirmatively consented.
2. Further, it shall not be a valid excuse that the accused student believed that the complaining party affirmatively consented to sexual activity if the accused

student knew or reasonably should have known that the complaining party was unable to consent to the sexual activity under any of the following circumstances:

- a. The complaining party was asleep or unconscious.
- b. The complaining party was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- c. The complaining party was unable to communicate due to a mental or physical condition.

N. The Decision

The decision of the Student Disciplinary Committee shall be one of four options: (1) recommend expulsion; (2) impose a suspension; (3) impose a lesser disciplinary action; (4) find that the charges against the student alleged to have violated the Standards of Student Conduct have not been proven and no discipline should be imposed.

Within ten (10) days after conducting the hearing, the Student Disciplinary Committee shall render a decision, prepare written findings and conclusions, and serve them upon the student alleged to have violated the Standards of Student Conduct with a copy sent to the Chief Student Services Officer or designee. With the exception of a recommendation of expulsion, the Chief Student Services Officer or designee will implement the decision of the Student Disciplinary Committee. If the Student Disciplinary Committee recommends that the student be expelled, the Chief Student Services Officer or designee shall forward the findings to the Superintendent/President for further action pursuant to Section V.I.

VI. RULES PERTAINING TO EXPULSION RECOMMENDATIONS

A. Review by the Superintendent/President

Within five (5) days of receiving the findings and conclusions of the Student Disciplinary Committee recommending that the student be expelled, the Superintendent/President shall review the findings and conclusions, and shall prepare a discipline decision (1) recommending that the student be expelled; (2) imposing some lesser discipline; (3) deciding that no discipline should be imposed; or (4) remanding the matter back to the Student Disciplinary Committee for a further hearing to more fully develop the factual record or to take any other actions directed by the Superintendent/President.

If the Superintendent/President concurs with the expulsion recommendation, the Superintendent/President shall also prepare an Expulsion Hearing Notice stating (1) the date, time, and place of the meeting of the Board of Trustees at which the matter of expulsion shall be considered; (2) notice that the student may be accompanied at the hearing by legal counsel, if so desired; and (3) that the student may submit a written request, within two (2) days after receipt of the written

notification, that the hearing of the Board be held as a public meeting rather than in closed session.

The Superintendent/President's discipline decision and the Expulsion Hearing Notice (if applicable) shall be served upon the student, and a copy sent to the Chief Student Services Officer or designee. If the Superintendent/President concurs with the expulsion recommendation, the discipline decision and Expulsion Hearing Notice shall also be sent to the Board of Trustees.

B. Review by the Board of Trustees

1. The Expulsion Hearing Date

The hearing before the Board of Trustees will be held within ten (10) days after the date the Superintendent/President's discipline determination and the expulsion hearing notice are served upon the student if he/she is served by email or personal service, or within thirteen (13) days if he/she is served by mail. This deadline may be extended under extenuating circumstances as determined by the Board on its own initiative and in its sole discretion. Absent extenuating circumstances, requests to reschedule submitted by the complaining party or student alleged to have violated the Standards of Student Conduct must be submitted to the Board with an explanation for their request at least five (5) days prior to the hearing.

2. Conduct of the Hearing by the Board of Trustees

Unless the student requests that the hearing of the Board of Trustees be held as a public meeting, the hearing to consider the matter shall be conducted by the Board in closed session. If a written request by the student is submitted, the meeting shall be public except that any discussion at the meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting, shall be in closed session.

The student, student's counsel, Chief Student Services Officer or designee, chairperson of the Student Disciplinary Committee, Superintendent/President, and District's legal counsel may attend the hearing before the Board of Trustees. Whether the hearing is conducted before the public or in closed session, the Board shall confer in private as necessary with its designated legal counsel and Superintendent/President to consider the evidence presented and reach its determination in the matter. When these deliberations are completed, the final action of the Board shall be taken at a public meeting and the result of that action shall be made a part of the public record of the District (Education Code Section 72122).

3. The Decision of the Board of Trustees

The student shall be expelled if a majority of the members of the Board of Trustees present at the hearing vote to expel the student. If a majority of the members of the Board of Trustees do not vote to expel the student, they may, by majority vote of the members: (1) impose some lesser discipline; (2) decide

that no discipline should be imposed; or (3) remand the matter to the Student Disciplinary Committee for a further hearing to more fully develop the factual record or to take any other actions directed by the Board of Trustees. The decision of the Board shall be final.

If the majority of the members of the Board of Trustees present at the hearing cannot reach a decision to expel the student or to take some other action, the matter shall be remanded to the Superintendent/President who shall suspend or impose some lesser discipline on the student.

The decision of the Board of Trustees or the Superintendent/President shall be implemented immediately, and within five (5) days of making that decision, the decision shall be served upon the student and sent to the Chief Student Services Officer or designee.

VII. ACADEMIC INTEGRITY SANCTIONS

The following sanctions will be followed for students found to be violating the academic integrity standards.

A. First Offense In A Course or Non-Course Activity – Academic Penalties

In course-related activities, when a student commits a first offense, decisions regarding the severity of Academic penalties imposed for academic dishonesty shall reside with the instructor. An instructor may give written or verbal notice to a student that continuation or repetition of specified conduct may be cause for disciplinary action. If the instructor chooses disciplinary action, the instructor shall notify the student, the appropriate department chair, and Chief Student Services Officer or designee, of the incident and the Academic penalties imposed. The Chief Student Services Officer or designee shall retain this documentation in their files.

In non-course activities, when a student commits a first offense, the appropriate District employee shall notify the appropriate Dean, Academic Affairs, of the incident and the Chief Student Services Officer or designee of the Academic penalties imposed.

B. Academic Penalties for the first offense may include the following:

- 1.** A failing grade on the assignment, paper or exam. Violations related to placement shall nullify course placement for the term.
- 2.** Temporary Exclusion from an Activity or Class: An instructor may remove a student who is in violation of the guidelines for student conduct for the duration of the class meeting or activity during which the violation took place and, if necessary, for the following class meeting. Faculty members may not drop students from class for academic integrity violations. Faculty-initiated withdrawals are only permitted for nonattendance.
- 3.** An additional assignment: An instructor may require the student to perform additional academic work.

The student may appeal the determination of academic dishonesty and/or penalty using the discipline appeal procedure as outlined in AP 5520 Student Discipline Procedures.

C. Multiple Offenses in a Course or Non-Course Activity-Disciplinary Action

In course-related activities, when a student commits a second or multiple offense(s), decisions regarding the severity of penalties imposed for academic dishonesty shall reside with the instructor and the Chief Student Services Officer or designee. The instructor shall notify the student, the appropriate department chair, and Chief Student Services Officer or designee, of the incident.

In non-course activities, when a student commits a second or multiple offenses(s), the staff member shall notify the appropriate Dean of the incident and the Dean shall notify the student and Chief Student Services Officer or designee of the incident and the penalties imposed using the “Academic Integrity Violation Form.”

Disciplinary Actions for the second or multiple offense(s) may include Academic penalties listed for the first offense and penalties detailed below under the heading Multiple Offenses at the District.

The student may appeal the determination of academic dishonesty and/or penalty using the discipline appeal procedure outlined in AP 5520 Student Discipline Procedures.

D. Multiple Offenses at the District – Disciplinary Action

When the Chief Student Services Officer or designee has determined that an academic dishonesty infraction is a second such offense or multiple offenses, he/she shall initiate institutional action. Penalties may include, in addition to those listed above:

1. Censure: a verbal reprimand or recorded written statement which details how a student’s conduct violates District regulations. The student receiving such a verbal or a written statement shall be notified that such continued conduct or further violation of District regulations may result in further disciplinary action.
2. Disciplinary Probation: may consist of removal from all college clubs and organizations and denial of privileges of participating in all District or student-sponsored activities including public performances. Disciplinary probation may be imposed for a period not to exceed one year and can be rendered by an administrator. Notification of disciplinary probation actions shall be immediately reported in writing to the Chief Student Services Officer. A student placed on disciplinary probation may appeal to the Chief Student Services Officer. Records of disciplinary probation actions shall be retained in the office of the Chief Student Services Officer or designee and in the student’s file. A student has no right to appeal or to a due process hearing (Education Code Section 76031).
3. Disciplinary Suspension: A student may be suspended from one or more classes for a period of up to ten days of instruction; from one or more classes

for the remainder of the term; or from all classes and activities of the District for one or more terms. A suspended student may also be prohibited from occupying any portion of the campus and be denied participation in any or all college activities. Disciplinary suspensions shall be initiated by the Chief Student Services Officer and are subject to the Due Process Hearing and Appeal Procedures set forth in Section V of AP 5520 Discipline Procedures. Records of disciplinary suspensions shall be retained in the office of the Chief Student Services Office and in the student's file (Education Code Sections 66017, 76030, and 76031).

4. Expulsion: the permanent and unconditional removal of a student from the District. A student may be expelled only by the Board of Trustees upon recommendation of the Superintendent/President. The expulsion of a student is initiated by Chief Student Services Officer and is determined according to the Due Process Hearing and Appeal Procedures set forth in Sections V and VI of AP 5520 Student Discipline Procedures (Education Code Section 76030).

References: Education Code Sections 66300, 72122, and 76030
BP/AP 5500 Standards of Student Conduct

Approved: 6/16/15

Revised: December 11, 2018